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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,778	07/22/2003	William A. Bricse	15-748D1	6784
28060 7590 01/25/2007 TAROLLI, SUNDHELM, COVELL & TUMMINO, LLP 1300 EAST NINTH STREET SUITE 1700 CLEVELAND, OH 44114			EXAMINER BASHORE, ALAIN L	
			ART UNIT 1762	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/624,778

Applicant(s)

BRIESE ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-29 and 46-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-29, 46-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The application is objected to because of alterations which have not been initialed and dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 16 and 46 there is lack of antecedent basis for "the path of travel".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-18, 23-24, 46-49, 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky.

Crumbach et al discloses a method of controlled dispensing of a material along a length of an elongated window component. The component is moved along a path of travel relative to a material dispensing nozzle at a controlled speed. Bulk supply is present as is the inlet of a metering pump having an outlet coupled to the nozzle to dispense the material from the nozzle into contact with a surface of the elongated window component. The speed of the metering pump is regulated to control the rate of flow of the dispensed material from the nozzle. The pressure of the material is monitored and regulated with pressure transducers before the material is dispense from the nozzle.

Crumbach et al does not explicitly use the word "delivering" when describing movement from the material from the bulk supply to an inlet of the metering pump. It would have been obvious to one with ordinary skill in the art to

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“deliver” the material because Crumbach teaches connection between the bulk supply and the inlet (see fig 1).

Crumbach et al does not further disclose a pump mechanism to provide the delivery from bulk supply to the inlet.

Dashevsky discloses (col 2, lines 65-68; col 3, lines 1-9; col 3, lines 23-50) a pump mechanism to provide delivery from bulk supply (14) to the inlet of a pump (58).

It would have been obvious to one with ordinary skill in the art to include a pump mechanism to provide the delivery from bulk supply to the inlet because Dashevsky teaches inefficiencies in application relative to movement requires added control to meter (col 3, lines 30-36).

6. Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky as applied to claims above, and further in view of Manser.

There is not disclosed presenting a user interface which allows the user to adjust input parameters for dispensing material from the nozzle.

Manser discloses a user interface which allows the user to adjust input parameters for dispensing material from the nozzle (col 4, lines 30-39).

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It would have been obvious to one with ordinary skill in the art to include a user interface which allows the user to adjust input parameters for dispensing material from the nozzle because Manser teaches variations of window components that may require input parameter changes for coating.

7. Claim 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky as applied to claims above, and further in view of Schuler.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky in view of Manser, and further in view of Schuler.

There is not disclosed where the elongated window component is a U-shaped spacer frame, where the input parameter is a width of the spacer frame.

Schuler discloses the elongated window component is a U-shaped spacer frame (7).

It would have been obvious to one with ordinary skill in the art to include the elongated window component is a U-shaped spacer frame, where the input parameter is a width of the spacer frame because Schuler teaches spacer frames as another type of window component requiring coating.

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8. Claims 19, 25 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky as applied to claims above, and further in view of Mercier et al ('522).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky in view of Manser, and further in view of Mercier et al ('522).

There is not disclosed periodically stopping dispensing, the speed of metering pump dependant on conveyer speed, and input parameters include acceleration and deceleration of the pump.

Mercier et al ('522) discloses operation interruptions (col 1, lines 60-67)..

It would have been obvious to one with ordinary skill in the art to include periodically stopping dispensing, the speed of metering pump dependant on conveyer speed, and input parameters include acceleration and deceleration of the pump because Mercier et al ('522) teaches interruptions that affect production.

9. Claims 26-28 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al in view of Dashevsky as applied to claims above, and further in view of Lisec.

There is not disclosed speed of metering dependant on type of elongated window component, desired thickness, spacer width.

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Lisec discloses disclosed speed of metering dependant on type of elongated window component, desired thickness, spacer width (col 3, lines 63-68; col 4, lines 1-18).

It would have been obvious to one with ordinary skill in the art to include speed of metering dependant on type of elongated window component, desired thickness, spacer width because Lisec teaches compensation for changes required (col 3, lines 1-37).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alain L. Bashore  
Primary Examiner  
Art Unit 1762